

EXHIBIT 6

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

- - - - - JAMES BENBOW,

Plaintiff,

-against- Civ. No.: 17-CV-6457 (EK) (LB)

CITY OF NEW YORK; POLICE OFFICER BRIAN W.
FEELY; POLICE OFFICER MATTHEW J. ROSIELLO;
POLICE OFFICER KENNETH L. ANDERSON; SERGEANT
WILLIAM A. DAIB; POLICE OFFICER SHANIEL J.
MITCHELL; and POLICE OFFICER STEPHEN J. MINUCCI,

Defendants.

VIDEO CONFERENCE VIA ZOOM
Conducted by:
LEX REPORTING SERVICE
160 Broadway
New York, New York

October 9, 2020
2:02 p.m.

DEPOSITION of POLICE OFFICER KENNETH L.

ANDERSON, a Defendant in the above-entitled
action, held remotely via Zoom videoconference,
pursuant to Order, taken before Tania C.
Pedrosa, a shorthand reporter and Notary Public
within and for the State of New York.

1 K. L. Anderson 32

2 aggressively to the ground.

3 Q Have you ever been sent for
4 retraining at all as a result of your job
5 performance?

6 A Like, as in I did something wrong
7 or as in --

8 Q Yeah.

A Yeah, retrain regularly so....

10 Q As if you did something wrong,
11 anything outside the normal course of
12 training.

13 A No, just regular restraining.

14 Q Were you ever subject to any
15 performance monitoring?

16 A No, sir.

17 Q Did anyone in the department ever
18 talk to you about the CCRB complaints that
19 you had?

20 A Like a supervisor?

21 Q Yeah.

22 A N○.

23 Q Okay. Do you go through a
24 fitness-for-duty review?

25 A N○.

1 K. L. Anderson

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2 proper level of force depending on what
3 threat you're met with.

4 Q Were you taught when it's
5 appropriate to use your gun?

6 A Correct.

7 Q What's the appropriate
8 circumstance?

9 A Deadly physical force against you
10 or the public.

11 Q Can you unpack that for me?

12 A I'm sorry. You cut off.

13 Q Can you unpack that for me?
14 Like, what do you mean by when you say
15 "deadly physical force against you or the
16 public?"

17 A So if somebody is posing
18 themselves as a threat that could perceive to
19 be deadly physical force or serious physical
20 injury. It's the amount of force reasonable
21 to meet whatever force you are going up
22 against.

23 Q Okay. So it's essentially
24 whatever force you have to use to overcome
25 the force or resistance that's being used

1 K. L. Anderson 35

2 against you?

3 A Correct.

4 Q Now, in terms of training, once
5 you graduate the academy are you subject to
6 any additional training by the NYPD?

A Of course. You're always --

8 you're always going to retraining --

9 | Q Okay.

10 A -- when it comes up.

11 Q Okay. And what does that mean,
12 "retraining when it comes up?"

13 A So there's different cycles. So
14 you go twice a year for the range to qualify
15 with your weapon. You go for other cycles
16 of -- you know, right now they're doing
17 disorderly control training, so whatever the
18 next cycle is.

19 Q The hot topic now is disorderly
20 control?

21 A Yes, a very hot topic.

22 Q Okay. And you said you go to
23 annual training. Is that for your -- the use
24 of your firearm?

25 A You go two -- two courses every

1 K. L. Anderson 38

A No. Your -- your scorecard has
to read higher than a 78, 78 --

4 Q Okay.

5 A -- or higher.

6 Q Okay. And just so I can break
7 this down for everybody, it's essentially a
8 series of shooting tests where you are given
9 targets from various distances --

10 A Yes.

11 Q -- and you have to shoot --
12 correct?

13 A 25 yards, 15 yards, and 7 yards.

Q Okay. 25 yards, 15 yards, and 7
yards you have to shoot the designated
firearm and hit the target more than
78 percent of the time, correct?

18 A Correct.

19 Q Okay. And when you are taught to
20 discharge your weapon, you are taught to
21 shoot and aim at center mass, correct?

22 A Correct.

Q Can you explain to me what your
understanding of center mass is?

25 A The mass of the body that you can

1 K. L. Anderson 39

see the most of. So usually it's from, like,
shoulder to shoulder down to the waist is
considered center mass.

5 Q Okay. Front and back?

6 A Front and back.

7 Q Okay. And so if someone was
8 facing you, center mass would be shoulder to
9 shoulder down to their belly button
10 essentially, correct?

11 A Correct.

12 Q And if someone was -- someone's
13 back to you -- someone's back was to you, it
14 would be shoulder to shoulder down to the
15 small of their back, correct --

16 A Right.

17 Q -- or their waist? Okay.

18 Now, what firearm do you qualify
19 in?

20 MR. WEINER: Objection --

23 MR. WEINER: I did have an
24 objection to the form of the last
25 question.

K. L. Anderson 40

2 Q Mr. Anderson, the Smith & Wesson,
3 is that the gun that you normally carry?

4 A Yes, that's the one I'm qualified
5 with.

Q Do you always carry that particular model?

8 A Yes.

9 Q Have you -- okay.

10 A There's only -- there's only
11 three choices you have and you can't just
12 switch up when you want to. You have to be
13 qualified with that weapon. And once you're
14 qualified, that's the only one you can carry.

15 Q And this qualification for the --
16 for your firearm, you said that you go
17 through that twice a year, correct?

18 A That is correct.

19 Q So twice a year you have to go
20 through this test where you hit targets from
21 25, 15, and 7 yards away and you have to hit
22 the target at more than 78 percent of the
23 time, correct?

24 A Correct.

1 K. L. Anderson 45

2 MR. WEINER: You can answer
3 if you understand the question.

4 A As -- when I know for myself that
5 something was coming out that's changed, I
6 would look for myself.

7 | Q Okay.

8 A But pertaining to my job, you
9 know, per se. So, like, if I was still on
10 patrol and now they're changing how to do
11 accident reports, I would familiarize myself
12 with the new way of how to do accident
13 reports.

14 So use of force, being in
15 conditions and crime and FIO, you're going to
16 have to know use of force more than maybe a
17 patrol cop who doesn't necessarily handle the
18 majority of those jobs.

19 Q Now, throughout the time as a
20 police officer, would you agree with me that
21 you are called upon to make decisions
22 regarding probable cause?

23 A Probable cause, reasonable
24 suspicion, yes.

Q And throughout the time period

1 K. L. Anderson 46

2 that you're a police officer, would you agree
3 with me that you have to make determinations
4 regarding when to make an arrest or if you're
5 allowed to make an arrest?

6 A Correct.

7 Q Would you agree with me that
8 throughout your time as a police officer,
9 that you're routinely called to make a
10 determination on the appropriate use of
11 force?

12 A Correct.

13 MR. WEINER: Objection.

14 You can answer.

15 A Correct.

16 Q And in terms of force, the
17 determination that you have to make on a
18 yearly or a daily basis is whether or not to
19 use force and, if so, how much force to use,
20 correct?

21 A How much force and the
22 appropriate force --

23 Q And even with --

24 A -- depending upon the use of
25 force guidelines.

1 K. L. Anderson

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2 Q All right. Have you ever been
3 taught by the police department that an
4 officer has an obligation or a duty to
5 intervene?

6 A I have.

7 Q Okay. What is your understanding
8 of that?

9 A So if you feel that the officer
10 is using too much force or the situation is
11 under control at that point and you're --
12 you're obligated to either intervene and
13 break it up or pull him off the person or,
14 you know, you're not -- you're just -- you're
15 not a bystander watching.

16 Q And when did you learn that,
17 throughout your course study as a sergeant or
18 did you -- did you know that before?

19 A I knew that before.

20 Q Okay. And how did you come to
21 know that before?

22 A I did impact.

23 Q Okay.

24 A Impact is -- you're on foot and
25 you're -- you get into a lot of, you know,

1 K. L. Anderson 49

physical altercations where you have to use your judgment on, "Okay. That's enough."

4 You know, once the cuffs are on, that's it.

5 You know what I mean?

6 Q Okay. And in terms of a duty to
7 intervene, if you see an officer that's using
8 more force than necessary, you have an
9 obligation as someone that's there to inhibit
10 that or stop that, correct?

11 A Correct.

12 Q You can't just sit there and just
13 let an officer use excessive force or more
14 force than it's necessary, correct?

15 A Understood, yes.

16 Q Okay. Well, you said
17 "understood."

18 A No, no, no. Yes, yes.

19 Q Yes, that's -- okay.

20 A Yes.

21 Q Because I don't -- I'm not
22 teaching -- nothing I say is meant to teach
23 you; if you will.

24 Okay. When you were in
25 conditions, how were you supervised?

1 K. L. Anderson 84

2 Q 649, a lucky guess by my part.

A You have the notes.

4 Q Maybe, maybe not.

5 So in terms of 649, that's a
6 black Crown Vic, correct?

7 A Unmarked Crown Vic, correct.

8 Q Okay. When you say "unmarked,"
9 was it completely unmarked, was it made to
10 look like an Uber, was it made to look like a
11 livery or just no markings whatsoever?

12 A Well, in 2017 I don't know if
13 Uber was even around yet. But it was a black
14 unmarked Crown Vic with no -- no --
15 everything was subdued, like the light
16 package and everything, so it looks like --
17 more like a livery cab than an Uber.

18 Q Okay. Do you know if it had that
19 orange light in the front -- in the back like
20 livery cabs do?

21 A N○.

Q The car that Sergeant Diab and
them were in, what kind of car was that?

24 A That was a Ford Fusion.

25 Q Okay. Marked? Unmarked?

1 K. L. Anderson 85

2 Colored?

3 A Unmarked. It was like a grayish
4 blue and the number was 1464 because that
5 used to be our regular car that we liked to
6 use.

You like to go with the Fusion?

8 A Well, it had a power outlet so
9 you could actually plug into stuff instead of
10 the old-school, like, you know, light --
11 cigarette lighter plug.

12 Q I thought you were concerned with
13 gas mileage but okay.

14 A Well, also the Crown Vic liked to
15 spin out a lot so it was a better handling
16 with the Fusions.

17 Q Okay. So you get to the scene
18 and you say that you received a second round
19 of information from Officer Mitchell,
20 correct?

21 | A Correct.

22 Q Okay. And the individuals or two
23 individuals walk out of Bridge Street --
24 189 Bridge Street, correct?

25 | A Correct..

1 K. L. Anderson 87

2 A I'm on the far side of the street
3 but they've walked to the corner of the other
4 side of the street and then make the right
5 onto Nassau Street.

6 Q Okay. So did you see them when
7 they turned the corner from Bridge to Nassau?

8 A Yes, I did.

9 Q Okay. And what did you observe?

10 A I observed two males walking, one
11 smaller -- one tall, black jacket, black
12 pants. And the shorter male was carrying,
13 like, a tote bag in his hands.

14 Q Okay. Did you notice anything
15 else about them?

16 A The taller gentleman had
17 something in his left hand.

Q Do you know what it was?

19 A I later -- later learned it was a
20 -- like a drinking glass.

21 Q Okay. And so they make this turn
22 onto Nassau, correct?

23 A Correct.

24 Q All right. And what happens
25 next? What do you do next?

1 K. L. Anderson 89

2 And so you make the U-turn and
3 now you start heading eastbound on Nassau,
4 correct?

5 A Yes.

Q Okay. What happens next?

7 A The first car proceeds up. They,
8 like, I guess pull over. The rear -- the
9 rear -- no, no. The front passenger door
10 opens. Sergeant Diab gets out and approaches
11 the two gentlemen. And once their brake
12 lights were activated, we got out of our car
13 -- well, I got out of my car and proceeded to
14 the sidewalk.

15 Q Okay. Where were you seated in
16 your Crown Vic?

17 A Initially I was rear in the
18 driver's side. But when we made the U-turn,
19 I -- I jumped over to the rear passenger's
20 side.

21 Q Okay. And who was driving?

22 A Officer Feeley was driving.

23 Q Rosiello was in the passenger's
24 seat, correct?

25 A Correct.

1 K. L. Anderson 90

2 Q Front passenger?

3 | A Yes.

4 Q At some point you all got out of
5 the car?

6 A Correct.

7 Q At what point was that?

8 A When the brake lights were --
9 once they stopped their car and we saw the
10 brake lights, we jumped -- we stopped our car
11 and we got out.

12 Q Okay. And who got out first in
13 your car?

14 A I think it was pretty much the
15 car stopped and we all exited the car. I
16 don't know --

17 Q Did anyone --

18 A It wasn't, like, staggered. It
19 was pretty much everyone got out.

20 Q Okay. Did anyone say anything to
21 anybody in the car before you got out?

22 A Not that I recall. I mean, we're
23 -- we're -- again, we're just there to back
24 them up. So --

25 O Okay.

1

K. L. Anderson

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2

A -- they're initiating the stop.

3

They're trying -- like, for the most part,
they're supposed to be handling the stop.

4

Q Okay. And so you testified that
you got out from the passenger's side and you
made your way to the sidewalk; is that
correct?

5

A Correct.

6

Q Okay. And how about Rosiello,
did he do the same?

7

A He exited and was on the sidewalk
as well with -- with myself.

8

Q Okay. And where was Feeley?

9

A He was still in the street.

10

Q Okay. Like, in the middle of the
street or by the car door where he was
driving -- the driver's door?

11

A Well, it's not a real -- it's --
like, the street is pretty wide so there's --
it's, like, an arrow breakdown in the middle
and then there's -- it's like -- almost,
like, two lanes so he's on, like, the inner
part closer to the sidewalk but he's more
directly in the center of the street, I

1 K. L. Anderson

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2 believe.

3 Q Okay. And would you say he was
4 in close proximity to the driver's side door
5 of the Crown Vic?

6 A Correct.

7 MR. WEINER: Objection.

8 You can answer.

9 Q Okay. Like, close enough where
10 he could reach out and touch it, like 2 feet
11 away?

12 A I know he exited. I don't know
13 how far in front or behind or off to the side
14 he -- he was. I was more -- I was on the
15 sidewalk and there's still a row of cars in
16 between.

17 Q Okay.

18 A So I couldn't tell you exactly
19 where he was in terms -- I know he was in the
20 street in front of me.

21 Q In the street to your left?

22 A Yeah. So if we're -- if I'm on
23 the sidewalk, the street is to my left and
24 he's somewhere on the left in front of me.

25 Q Okay. When you say in front of

1 K. L. Anderson 94

know exactly where. He's somewhere on the driver's -- driver's side of that vehicle in front of me.

5 Q Okay. A few steps in front of
6 you more or less?

7 A Correct.

8 Q And at some point you see
9 Mr. Benbow running in your direction,
10 correct?

11 A Correct.

12 Q Okay. And at some point
13 Mr. Benbow then cuts in between two cars,
14 essentially makes a right, correct?

15 A Correct.

16 Q Okay. And he makes a right
17 towards -- in between two cars towards the
18 middle of the street; is that accurate?

19 A Correct.

20 Q Okay. And at that point you and
21 Rosiello are essentially right next to each
22 other on the sidewalk, correct?

23 MR. WEINER: Objection.

24 You can answer.

25 A Not right in front. He's -- he's

1 K. L. Anderson 95

2 still in front of me.

3 Q Okay. Rosiello is how far in
4 front of you?

5 A A few -- a few steps.

6 Q Okay.

7 A Probably like five -- five or six
8 steps.

9 Q Okay. And are you directly in
10 front of each other or are you staggered?

11 A A little bit staggered but let's
12 just say our statures aren't the same. I'm a
13 little bit more thin and slim. He's a little
14 -- a little bit more big-boned.

15 Q Okay. And then you all are on
16 the sidewalk. And as Mr. Benbow is running
17 down the sidewalk, Officer Feeley is still --

18 A In the street.

19 Q -- where he was next to the car
20 or the -- I was going to say the RMP but next
21 to the Crown Vic, correct?

22 A Yeah. He's somewhere in the
23 street.

24 Q Okay. And Mr. Benbow then makes
25 a -- as he's coming towards you, he then

1 K. L. Anderson 96

2 makes a right in between two cars, correct?

3 A Correct.

4 Q Okay. And at that point he's in
5 between two cars before the first shot is
6 fired, correct?

7 A Somewhere -- yes, either just
8 entering in between the two cars or in
9 between the two cars. I don't know exactly
10 where -- you know, it kind of happened pretty
11 fast.

Q Okay. Who shot first?

13 A Officer Feeley did.

14 Q Okay. And how could you tell
15 that he shot first?

16 A Because I could hear -- I could
17 hear it.

18 Q Okay. Did you see the muzzle
19 flash as well?

20 A No, I did not.

21 Q Okay. When Officer Feeley fired
22 the first shot, did you look over at Officer
23 Feeley at all?

24 A NO.

Okay. Were you concerned at all

1 K. L. Anderson 97

2 where that gunshot was coming from?

3 MR. WEINER: Objection.

4 A No, because it wasn't -- the --
5 the street was not busy so I know it was from
6 where I remember him last being and that was
7 the general direction of where I heard it
8 from. I assumed it was Officer Feeley.

9 Q Okay. And Officer Rosie --
10 Officer Feeley fired three times; is that
11 correct?

12 A Correct.

13 Q Okay. And then Officer Rosiello
14 fired his gun, correct?

15 A Correct.

16 Q Okay. And where was -- when
17 Officer Rosiello fired his gun -- Rosiello
18 fired his gun, Mr. Benbow was between the
19 cars running towards the middle of the
20 street, correct?

21 A It was -- he was more closer to,
22 like, exiting between the two cars than,
23 like, the beginning of the two cars.

24 Q Okay. So at that point he was,
25 like -- well, pretty much made his way

1 K. L. Anderson 98

2 between the two cars and was at the end of
3 that --

4 A Correct.

5 Q -- towards the street, correct?

6 A Correct.

7 Q And Officer Rosiello fired his
8 weapon, correct?

A Correct, one shot.

10 Q Okay. At the time that Officer
11 Rosiello fired his gun, did Mr. Benbow point
12 any weapons at you?

13 A Mr. Benbow was running with a
14 firearm in his hand -- in his right hand.

15 | O Okay. Yeah. My question is --

16 MR. WEINER: Wait. Can you

17 | Page

Q -- more specific --

19 MR. WEINER: -- let him

answer -- let him finish his --

Q Oh, were you -- were you done?

22 A I'm going to -- I'm going to

23 explain it. I'm going to explain it. So --

24 Q Because I need you to just focus
25 on my question. Your attorney can ask you

1 K. L. Anderson 103

2 normal question then? Come on.

3 Q We're lawyers. Sometimes we have
4 problems doing the simplest things like
5 asking a question normally. So I'll ask you
6 again.

At the time that Officer Rosiello
fired his weapon at Mr. Benbow, Mr. Benbow
was not pointing his weapon towards Officer
Rosiello or yourself, correct?

11 A That is correct.

12 Q And his back was towards you and
13 Officer Rosiello, correct?

14 MR. WEINER: Objection.

15 A It's not his back. It's more his
16 side because he's cutting in between the two
17 cars. He's not walking in between the two
18 cars sideways. He's walk -- he's running --
19 running between the two cars, so his -- his
20 left side is exposed to us.

21 Q Okay. His left backside is
22 exposed to you?

23 A No. Left side.

24 MR. WEINER... objection.

25 A Not left back. Left side.

1 K. L. Anderson 105

2 way: You testified that Mr. Benbow ran down
3 the sidewalk, correct?

4 A Yep, correct.

5 Q Then he made a right turn away
6 from you and Officer Rosiello in between two
7 cars, correct?

8 A Correct.

9 Q And he was almost done getting
10 through those two cars when Officer Rosiello
11 fired at him, correct?

12 A Correct.

13 Q That's it. That's it for that
14 question.

15 Now, did you say anything to
16 Officer Rosiello when he fired?

17 A NO.

18 Q Did you in any way try to stop
19 him from firing?

20 A N O .

21 Q Okay. You yourself did not fire
22 your weapon, correct?

23 A Correct.

24 Q And you testified earlier I
25 believe you had your weapon out?

K. L. Anderson 106

2 A Correct.

3 Q Okay. Did you ever train your
4 weapon on Mr. Benbow?

5 A Rephrase it.

6 Q Yeah. Did you ever train your
7 weapon on Mr. Benbow?

8 A Train my weapon?

9 MR. WEINER: Yeah.

10 Q Aim your weapon at Mr. Benbow.

11 MR. WEINER: Thank you.

12 A Okay. Aim my weapon, yes.

Q Okay. At what point did you aim
your weapon at Mr. Benbow?

15 A When I could see that there was a
16 firearm in his hand.

17 Q At what point -- okay. Was that
18 when he was running down the sidewalk?

19 A Yeah -- well, he had turned so
20 probably halfway since -- from running from
21 where he started from --

22 Q Okay.

23 A -- when I knew for -- for sure it
24 was a firearm in his hand.

Okay. So about half the distance

1 K. L. Anderson 107

2 between where you were and where he started
3 running, you realized, as you testified to,
4 right, he had a weapon in his hand?

5 A Correct.

Q Okay. And at that point you
aimed your weapon at him, correct?

8 A Correct.

9 Q And you didn't fire at him,
10 correct?

11 A Correct.

12 Q Okay. And he then broke in
13 between two cars, correct?

14 A Correct.

15 Q And when he first broke in
16 between two cars, you didn't fire at that
17 point, correct?

18 A Rephrase that one more time. I'm
19 sorry.

20 Q Sure. When he was running down
21 the sidewalk, he at some point made that
22 right in between two cars, correct?

23 | A Correct.

24 Q When he first made that right to
25 get in between the two cars to head towards

1 K. L. Anderson 123

2 you see the gun travel in the air and land.

3 Q Okay. And in terms of where you
4 say Mr. Benbow was holding the gun, is it
5 accurate to describe it like high and tight,
6 like almost like a football running with it
7 by the armpit?

8 A More like a track runner with a
9 baton so it's a little bit -- it's more
10 loose.

11 Q Okay. Now, before your
12 deposition here today, did you speak with any
13 union representative about this case and
14 about your deposition?

15 A A union rep, no.

16 Q Yeah.

17 A NO.

18 Q Did you ever try to stop Officer
19 Feeley from firing his weapon?

20 A NO.

21 Q Did you ever try to stop Officer
22 Rosiello from firing his weapon?

23 A NO.

24 Q Did you ever tell anyone that you
25 tried to stop Officer Rosiello from firing

1 K. L. Anderson 124

2 his weapon?

3 A No.

4 Q Have you ever heard of the term
5 "blue wall of silence?"

6 A I 've heard of it.

Q What is your understanding of it?

10 But if you have -- if you
11 can answer, you can go ahead.

12 A It's not more, like, a blue wall
13 of silence, just like -- almost like a --
14 they can call it like a brotherhood.

15 Q Okay. And what is your
16 understanding of this brotherhood?

17 MR. WEINER: Objection. I
18 don't understand that question.

19 Go ahead.

A What is my understanding of it?

21 Q Yeah --

22 | A That you --

23 0 -- the brotherhood.

24 A That you -- you're -- I know what
25 you're trying to reference at but it's that

1 K. L. Anderson 125

2 people look out for each other on the job.

3 Q Yeah. Police officers look out
4 for each other on the job, correct?

5 A Correct.

Q Do you know what a TIR report is?

7 A Yes, I do.

8 Q Can you tell me what that is?

9 A It's -- I don't know the exact --
10 it's when you use force. It's a report to
11 track force.

12 Q And do you know if any TIR
13 reports were filled out in this situation?

14 A I believe TIR reports weren't --
15 they weren't out in 2015 -- were they? I'm
16 not sure. I think they came out in the end
17 of '16.

18 Q Okay. So you're not aware of any
19 being filled out for this case?

20 A No, I'm not -- not -- I didn't
21 prepare any reports for this case other than
22 my memo book --

23 Q Okay.

24 A -- so I don't know.

25 Q Did you sign any documents in

K. L. Anderson 138

2 Q And then from the time -- and
3 then you said at a certain point he turned
4 into the street, right?

5 So from the time he turned into
6 the street to the time that you first heard a
7 gunshot, do you remember how long that was?

8 A Probably, like, a few seconds,
9 definitely -- like two, three seconds. It
10 wasn't -- it wasn't a long extended period of
11 time.

12 Q Okay. And from the time -- and
13 then you said Officer Feeley shot fire first?

14 A Correct.

15 Q Okay. Do you know if Officer
16 Feeley -- do you know how many times -- you
17 said -- I think you said Officer Feeley fired
18 a few times.

19 A Three times.

20 Q Okay. And then was Officer
Feeley's -- were Officer Feeley's shots
21 followed by Officer Rosiello's shots or were
22 they sort of staggered?
23

24 A They --

25 MR. ABOUSHI: Objection.

1 K. L. Anderson 139

A -- were followed by.

3 Q Okay. So between the -- between
4 the time when Officer Feeley began -- fired
5 his first shot and the time that Officer
6 Rosiello filed -- fired his first and only
7 shot, could you approximate the amount of
8 time between those two -- those two events?

9 MR. ABOUSHI: Objection.

10 A Two seconds, three seconds.

11 Q All right. You mentioned -- you
12 mentioned that you observed Mr. Bradley with
13 a -- with a bag?

14 A Correct.

15 Q Okay. Did you ever look inside
16 of that bag?

17 A Yes, later on at the 84 Precinct.

18 Q Okay. And why did you -- why did
19 you -- why were you looking inside the bag?

20 A Because it reeked off marijuana.

21 Q Okay. And what did you -- what
22 did you observe -- what, if anything, did you
23 observe inside the bag?

24 A He had a large quantity of
25 marijuana inside the bag.